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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

ARTHUR G. MAIONCHI, EDWARD A.  
 MAIONCHI, THOMAS S. DINETTE AND  
 CHARLES J. KRAFT,

Case No. C 03 0647 JF

STIPULATION AND [PROPOSED] ORDER  
 TO EXTEND CERTAIN PRETRIAL DATES

Plaintiffs,

vs.

UNION PACIFIC CORPORATION,

Defendant.

Plaintiffs Arthur G. Maionchi, Edward A. Maionchi, Thomas S. Dinette and Charles J. Kraft ("Plaintiffs") and defendant Union Pacific Corporation ("Defendant") hereby stipulate as follows:

1. At the most recent case management conference, held on February 2, 2007, the Court adopted the following pretrial and trial schedule, as proposed by the parties:

- Completion of Fact Discovery April 27, 2007
- Last Date for Disclosure of Experts: May 11, 2007

- Close of Expert Discovery: May 31, 2007
- Last Day to File Dispositive Motions: June 8, 2007
- Last Day to Hear Dispositive Motions: July 20, 2007
- Pretrial Conference: September 7, 2007
- Trial: October 2, 2007

2. To enable the parties to devote their resources to settlement discussions, the parties stipulated to, and on May 31, 2007 the Court issued an order approving, an extension of deadlines for the close of expert discovery, and for filing and hearing dispositive motions, as follows:

- Close of Expert Discovery: June 26, 2007
- Last Day to File Dispositive Motions: June 29, 2007
- Last Date to Hear Dispositive Motions: August 10, 2007

The Pretrial Conference Date and Trial Date were not affected by this Order.

3. In light of progress made during a mediation session conducted by Mr. Martin Quinn of JAMS in San Francisco on June 14, 2007, Mr. Quinn recommended, and the parties agreed, that the prospects for settlement would be aided by a further order adjusting the pretrial schedule. On June 28, 2007, the Court issued an order approving the extension of deadlines as follows:

- Close of Expert Discovery July 17, 2007
- Last Day to File Dispositive Motions: July 20, 2007
- Last Date to Hear Dispositive Motions: August 31, 2007
- Pretrial Conference: September 14, 2007

The Trial Date was not affected by this Order.

4. On July 12, 2007, counsel were informed that due to the number of hearings already scheduled on the Court's calendar for August 31, 2007, the Court is not able to conduct a hearing on a motion for summary judgment on that date, that there are no other dates in August on which a hearing could be held, and that the next available hearing date is September 14, 2007, the same date on which the pretrial conference is currently scheduled.

5. Based on the foregoing, and on the recommendation of the Clerk with regard to rescheduling of the pretrial conference, the parties stipulate to, and request that the Court adopt, the following revised deadlines:

- Revised Last Date to Hear Dispositive Motions September 14, 2007
- Revised Date for Pretrial Conference September 21, 2007

The parties also stipulate that the date for filing dispositive motions should be adjusted to harmonize the briefing schedule with the proposed revised motion hearing date, and that the date for completion of expert discovery should, consistent with prior orders, be set at three court days before the date for filing dispositive motions. Thus the parties request that the Court also include the following deadlines in its order:

- Revised Close of Expert Discovery: August 7, 2007
- Revised Last Day to File Dispositive Motions: August 10, 2007

The Trial Date of October 2, 2007 would not be affected by these proposed revisions.

6. Except as set forth herein, there have been modifications to or extensions of dates set forth in the pretrial schedule.

IT IS SO STIPULATED.

Dated: July 12, 2007

ARTHUR G. MAIONCHI, EDWARD A.  
MAIONCHI, THOMAS S. DINETTE AND  
CHARLES J. KRAFT

By: /s/ David D. Cooke

DAVID D. COOKE  
Attorney for Plaintiffs

Dated: July 12, 2007

UNION PACIFIC CORPORATION

By: /s/ Marc A. Zeppetello

MARC A. ZEPPELLO  
Attorney for Defendant

5 I declare under penalty of perjury under the laws of the United States that the foregoing is  
6 true and correct. Executed July 12, 2007 in San Francisco, California.

/s/ David D. Cooke  
David D. Cooke


**[PROPOSED] ORDER**

Pursuant to stipulation, and for good cause shown, the Court modifies the case management schedule as follows:

- Close of Expert Discovery: August 7, 2007
- Last Day to File Dispositive Motions: August 10, 2007
- Last Date to Hear Dispositive Motions September 14, 2007
- Pretrial Conference September 21, 2007

The Trial Date remains October 2, 2007.

Dated: \_\_July 13, 2007

  
Honorable Jeremy Fogel  
United States District Judge